

# National Association of County Veterans Service Officers



**Dependency  
and Indemnity  
Compensation**

# Introduction

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**A monthly VA benefit based on a veteran's service-connected death**

# Dependency and Indemnity Compensation

- **Widows, Widowers, Parents**
- **Minor surviving children**
- **A surviving child between age 18 and 23 while attending an approved educational institution**

# Eligibility

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**Two ways to establish eligibility...**

# Eligibility

## First

**show the veteran's death was caused, in whole or in part, by a medical condition connected to the veteran's military service**

## Second

**show the veteran had a service-connected disability that meets length of time requirements of specific rules**

# Establishing Eligibility

- When a veteran dies, there is usually more than one disability, disease, or injury that is the principal cause of death...
- If a service-connected condition is the principal or a contributory cause of death, then entitlement to DIC may be established

# Service Connected Death

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Generally, if a veteran dies in service the VA concludes that the death was service-connected

# Totally Disabled Prior to Death

Congress has provided two additional methods of establishing entitlement to DIC

- ten-year rule
- five-year rule



# Statutory Award – Ten Year Rule

At time of death –

Continuously rated 100% service-connected  
for the ten-year period immediately preceding  
death

Eligible survivors may receive DIC

Death does not have to be service-connected

# Ten-Year Rule and “IU”

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The survivors are eligible even if the veteran's total rating was based on individual un-employability

# Statutory Award - Five Year Rule

At time of death –

Continuously rated 100% service-connected  
for the five-year period following date of  
discharge or release from active duty

Eligible survivors may receive DIC

Veteran does not have to die of a service-  
connected condition

# POW Rule

At time of death

Continuously rated 100% service-connected for one year

Eligible survivors may receive DIC

Again, death does not have to be from a service-connected condition

# DIC Rates

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Veteran died before January 1, 1993

DIC is based on the veteran's pay grade at the time of discharge or death

# DIC Rates

12-01-13

**After January 1, 1993...**

**DIC is paid to a surviving spouse at the monthly rate of \$1,233.20**

# **“Enhanced DIC”**

**DIC is increased by \$258**

**-100% compensation**

**-eight years**

**-immediately preceding death**

**-married to the same spouse**

**for the entire eight year period**

**38 USC 1311**

# DIC Rates with Dependent Children

12-01-13

**For a surviving spouse with one or more of the deceased veteran's children below the age of eighteen, DIC is increased **\$305.52** for each child**



# DIC Rates

## Nursing Home / A&A

12-01-13

The DIC rate may be increased by **\$305.52** if the spouse is:

- a patient in a nursing home or
- in need of regular aid and attendance

# DIC Rates – Housebound

12-01-13

**The DIC rate may be increased by \$143.12 if the spouse is permanently housebound**

# Transition Benefit for Surviving Spouse with Children

**“Veterans Benefits Improvement Act of 2004”**

- **Effective January 1, 2005**
- **A two year benefit**
- **Surviving spouse gets \$263 extra per month**
- **Not per child, just an extra \$263**

# “Transition Benefit”

- Two-year time limit starts the date the claimant became entitled to DIC
- Payment is not retro-active
- Payments are just pro-rated on the number of months left in the 2-year period
- Eligibility ends
  - 2 years after date of DIC entitlement, or
  - the last minor child turns 18 or is otherwise removed from the award

# Filing an Application

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If a DIC claim is received by the VA within one year of the veteran's death the award will be retroactive to the date of death

# Filing an Application

If a DIC claim is received by the VA after one year of date of death, the award will be effective the date it was received

To preserve the earliest possible effective date, file a DIC claim within one year of the death

No time limit to file a claim for DIC

# Surviving Spouse

**The VA defines a qualifying spouse as:  
a person of the opposite sex  
whose marriage to a veteran  
is valid**

# Eligibility

**To establish eligibility the spouse must submit:**

- a copy of the veteran's death certificate
- a certified copy of the veteran's DD-214 or discharge
- a copy of their marriage certificate



# Eligibility

- If a DIC recipient remarries prior to the age of 57 – DIC payments stop!
- After age 57 – no restrictions.
- Make sure your survivors understand the rules!

# DIC for Surviving Children

- DIC benefits may be paid to the veteran's *minor* surviving children, but only where there is no surviving spouse
- The children will be paid in equal shares at the rates set by statute
- The VA generally makes this award out to the parent or guardian

# DIC for Surviving Children

**A *helpless* surviving child, age 18 or over, is entitled to DIC benefits in his or her own right**

**These payments may be made directly to the child, or where appropriate, to the child's fiduciary**

# DIC for Surviving Children

A surviving child between age 18 and 23 is entitled to DIC in his/her own right while pursuing a course of instruction at an approved educational institution

The child must elect either DIC benefits or Chapter 35 Educational Benefits that are also available for children of veterans who died of a service-connected disability; they cannot receive both

# Additional Benefits

## CHAMPVA

### Chapter 35, Dependents Education Assistance

Eligibility – surviving spouse and/or child

May cover apprenticeships, OJT, farm co-ops

Surviving spouse has 20 years to use benefits

Remarriage is NOT a bar to DEA

Determinations made by the local RO

A survivor who is in the Armed Forces cannot receive Chapter 35 benefits

# DIC for Surviving Parent(s)

DIC paid to dependent parents is based on their annual income (net worth does not count)

Because the income qualifications are strict, few parents qualify for DIC

Parents are required to complete an annual income questionnaire

# To Apply

- VA Form 21-22
- VA Form 21-534EZ (surviving spouse)
- VA Form 21-535 (surviving parent)
- 21-534a (in service death)
- VA Form 21-4138
- Marriage Certificate
- DD-214/Discharge
- Birth certificates
- Death Certificate
- \* Always a claim for DIC, Death Pension, Accrued benefits\*

# Related Benefits

- CHAMPVA
- Dependent education assistance (Ch. 35)
- Federal employment preference
- Home loan guaranty



# Where to Get More Information

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- **[www.va.gov](http://www.va.gov)**
- **38 CFR § 3.5, 3.10, 3.22, 3.55, and 3.251**